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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

SVITA Y. FEDA,

Plaintiff,

vs.

HOMEQ SERVICING, a unknown California
Business Entity; OCWEN LOAN
SERVICING, LLC, a Foreign Limited
Liability Company; NATIONAL DEFAULT
SERVICING CORPORATION, a Foreign
Corporation; WELLS FARGO BANK,
NATIONAL ASSOCIATION, a Nationally
Chartered Bank; DOES 1 through 100; and
ROE BUSINESS ENTITIES I through C,
Inclusive,

Defendants.

CASE NO. 2:11-cv-00263-RLH-CWH

HON. ROGER L. HUNT

**ORDER GRANTING
MOTION TO DISMISS COMPLAINT
AND TO EXPUNGE LIS PENDENS**

1 Defendants BARCLAYS CAPITAL REAL ESTATE, INC. dba HOMEQ SERVICING,
2 erroneously sued herein as HOMEQ SERVICING; OCWEN LOAN SERVICING, LLC;
3 NATIONAL DEFAULT SERVICING CORPORATION; and WELLS FARGO BANK,
4 NATIONAL ASSOCIATION, Trustee POOLING AND SERVICING AGREEMENT Dated as
5 of September 1, 2006 SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-
6 HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-HE2, erroneously
7 named herein as WELLS FARGO BANK, NATIONAL ASSOCIATION (collectively
8 "Defendants") filed and served their Motion to Dismiss Complaint and to Expunge Lis Pendes
9 on March 17, 2011.

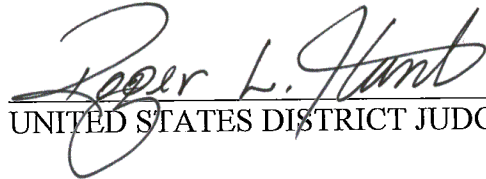
11 The Motion was brought pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure
12 to state a claim upon which relief can be granted and N.R.S. § 14.015 for insufficient basis for
13 Plaintiff's Lis Pendens. The Motion was based upon the Notice of Motion, the Memorandum of
14 Points and Authorities, Request for Judicial Notice including matters upon which judicial notice
15 was requested and/or proper pursuant to Federal Rule of Evidence 201, and upon all matters,
16 pleadings and documents filed with this Court. A hearing thereon as noticed by the Court was
17 held on October 7, 2011 at 1:00 p.m. Jeffrey S. Allison of Houser & Allison, APC appeared on
18 behalf of Defendants. Jay Schafer for Angela Dows of Reade & Associates appeared on behalf
19 of Plaintiff.

21 The Court having considered the moving, opposition, and reply papers, matters for
22 which judicial notice was requested and/or appropriate, its own files, oral argument, with good
23 cause appearing, rules and orders as follows:
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1 **IT IS ORDERED, ADJUDGED, AND DECREED** that Defendants' Motion to
2 Dismiss is GRANTED for the reasons set forth and stated on the record the transcript of which
3 shall be the Court's ruling and order as confirmed hereby. Accordingly, Defendants are
4 dismissed with prejudice and a judgment of dismissal is entered in this action.

5 **IT IS FURTHER ORDERED** that Plaintiff's lis pendens filed herein and recorded in
6 the Clark County Recorder's Office on or about February 10, 2011 as Instrument No. 2011-
7 0210-0003988 is hereby expunged. A copy of this Order may be recorded in the Clark County
8 Recorder's Office for this purpose.
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13 DATED: October 11, 2011


UNITED STATES DISTRICT JUDGE